



**National Conference of State Legislatures
Office of State-Federal Relations**

FAA Releases Final Rule for Commercial Use of Small Drones

June 21, 2016

On June 21, the Federal Aviation Administration (FAA) [released](#) the first [operational rules](#) (PDF) for routine commercial use of small unmanned aircraft systems (UAS or “drones”). The new rule, which takes 60 days after publication in the [Federal Register](#), which will likely mean late August, offers safety regulations for unmanned aircraft drones weighing less than 55 pounds that are conducting non-hobbyist (commercial) operations.

The [final rule](#) requires drone pilots to keep an unmanned aircraft within visual line of sight and operations are only allowed during daylight and during twilight if the drone is equipped with “anti-collision lights.” The new regulation also establishes height and speed restrictions and other operational limits, such as prohibiting flights over unprotected people on the ground who aren’t directly participating in the UAS operation. There is a process through which users can apply to have some of these restrictions waived, while those users currently operating under section 333 exemptions (which allowed commercial use to take place prior to today’s rule) are still able to operate based upon the conditions of their exemption. Further, the operator actually operating a drone must be at least 16 years old and have a remote pilot certificate with a small UAS rating, or be directly supervised by someone with such a certificate. To qualify for a remote pilot certificate, an individual must either pass an initial aeronautical knowledge test at an FAA-approved knowledge testing center or have an existing non-student Part 61 pilot certificate.

The [rule](#) does not address the ever important issue of federal preemption of state and local drone laws as the “...FAA determined that specific regulatory text addressing preemption is not required in the final rule.” The rule does note that on numerous occasions that a drone pilot may need to comply with specific state and local drone laws, depending upon how the operator is using the drone. While the [Senate approved](#) an FAA reauthorization earlier this year with a provision (section 2152) to fully preempt state and local drone laws, it does not appear that the House will follow suit, and a short term extension will likely push this issue into the fall or potentially 2017.

For any further questions or concerns please contact NCSL staff [Ben Husch](#) (202-624-7779).

Key Documents

[FAA Final Rule](#)

[FAA Summary of Final Rule](#)

[FAA Fact Sheet](#)